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Attorneys for Defendant Prometheus Global Media, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PENSKE MEDIA CORPORATION,
dba PMC, a Delaware corporation,
Plaintiff

v.

PROMETHEUS GLOBAL MEDIA,
LLC, a Delaware limited liability
company d/b/a hollywoodreporter.com;
and DOES 1 through 10, inclusive.

Defendants.

Case No.: CV 11-7560-JST (MRW)
Hon. Josephine Staton Tucker
Magistrate: Hon. Michael R. Wilner

DISCOVERY MATTER:

**DECLARATION OF ANTHONY
SBARDELLATI IN OPPOSITION
TO PLAINTIFF PENSKE MEDIA
CORPORATION'S NOTICE OF
MOTION AND JOINT
STIPULATION RE: FURTHER
RESPONSES TO WRITTEN
DISCOVERY PROPOUNDED TO
PROMETHEUS GLOBAL MEDIA,
LLC**

**JOINT STIPULATION AND
DECLARATION OF MANISH M.
SHAH IN OPPOSITION TO
MOTION (filed concurrently)**

Action filed: September 14, 2011
Discovery Cut-off: November 9, 2012
Trial Date: July 9, 2013
Hearing Date:

1 I, Anthony Sbardellati, declare as follows:

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3 1. I am a member of the bar of the State of California and an associate in the
4 law firm Sauer & Wagner LLP, counsel for defendant Prometheus Global Media, LLC
5 ("Prometheus") in the above-captioned litigation. I make this declaration of my personal,
6 firsthand knowledge and, if called and sworn as a witness, I could and would testify
7 competently thereto.

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9 2. On July 14, 2012, my co-counsel Jeremy Feigelson emailed counsel for
10 Plaintiff Penske Media Corporation, Steven Stiglitz, and suggested that the parties submit
11 their competing versions of a proposed protective order to the Court with a joint letter in
12 which each side stated its position. A true and correct copy of that email is attached as
13 Exhibit A. Mr. Stiglitz never responded.
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16 3. Penske's counsel did not provide Prometheus's counsel with a proper draft
17 joint stipulation supporting Penske's motion to compel until the evening of Wednesday
18 November 14, 2012, following two unsuccessful joint attempts by the Parties to obtain an
19 extension of the discovery cut-off from the Court.
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22 4. Attached hereto as Exhibit B is a true and correct copy of Judge Josephine
23 Staton Tucker's Order on Jury Trial, stating that discovery motions must be filed and
24 served not later than 10 days after the discovery cut-off date (*see p. 2 § 4*).
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1 I declare under penalty of perjury under the laws of the United States and
2 California that the foregoing is true and correct.

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5 Dated: November 21, 2012
6 Los Angeles, CA

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28 /s/ Anthony Sbardellati
Anthony Sbardellati